

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) Mag. No. 1-09-MJ-337
)
DAVID M. PHILLIPS)

MEMORANDUM AND ORDER

In accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure and in accordance with the Bail Reform Act, 18 United States Code § 3142(f), the preliminary hearing and detention hearing were held in this action on September 1, 2009. Those present included:

- (1) AUSA Terra Bay for the United States of America.
- (2) The defendant, DAVID M. PHILLIPS.
- (3) Attorney Brandon Raulston for defendant.
- (4) DEA Task Force Officer Jamie Hixson.
- (5) Courtroom Deputy Kelli Jones.
- (6) Court Reporter Shannan Andrews.

Detention Hearing and Preliminary Hearing - Proof

AUSA Bay moved the court the defendant be detained without bail, and called DEA Task Force Officer Hixson as a witness. He testified to the facts outlined in the affidavit attached to the criminal complaint.

Findings

Having heard and considered the testimony of the Officer Hixson during the detention hearing and preliminary hearing and the Affidavit/Complaint, the undersigned finds:

- (1) There is probable cause to believe that there have been violations of 21 U.S.C. § 841(a)(1) and (b)(1)(B), possession with the intent to distribute five grams of methamphetamine or more than fifty grams of a mixture and substance containing methamphetamine, committed in the Eastern District of Tennessee.
- (2) There is probable cause to believe the defendant committed the aforesaid offenses.

(3) The proof the defendant committed the aforesaid offenses is strong.

(4) There are no conditions nor are there any combination of conditions which will reasonably assure the safety of the community or the presence of the defendant at future hearings.

Conclusions

It is ORDERED:

(1) The defendant is held to answer the charges against him in the District Court.

(2) AUSA Bay's motion to detain the defendant without bail is GRANTED for reasons set out in the separate ORDER OF DETENTION PENDING TRIAL filed with this order.

(3) The defendant's next appearance shall be before the undersigned magistrate judge at **10:00 a.m. on Thursday, September 10, 2009.**

ENTER.

Dated: September 2, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE